
Rules of
Department of Social Services
Division 40—Division of Family Services
Chapter 73—Licensing of Child Placing
Agencies

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 40—Division of Family Services
Chapter 73—Licensing of Child
Placing Agencies**

13 CSR 40-73.010 Definitions

PURPOSE: This rule clarifies the terms used in the licensing rules for child placing agencies.

- (1) "Adoption" means the act of receiving a child into one's family by choice and acquiring a parent-child relationship by legal process.
- (2) "Adoption agency" means a licensed public or private organization whose purpose or parts of its purpose is to provide adoption services to children, adoptees, adoptive applicants, and birth and/or adoptive parents.
- (3) "Adoption services" means the provision of pre-placement or foster care services to birth and/or adoptive parents, the completion of birth parent, social and medical histories, the completion of adoptive family assessments, post-placement services to birth and/or adoptive parents, post-adoption services to birth and/or adoptive parents, or other related activities, including those requested by courts and other adoption agencies and organizations.
- (4) "Adoptive applicant" means a prospective adoptive parent who has applied to adopt a child but who has not yet received a child for adoptive placement. It also includes an adoptive parent who has adopted one (1) or more children and who is requesting to adopt another child.
- (5) "Adoptive parent" means a person with whom a child has been placed for adoption or who has adopted one (1) or more children.
- (6) "Alternative care" means care provided a child in a foster home, a group home, residential treatment agency, child care institution, or any combination thereof.
- (7) "Birth parent(s)" means the biological father and/or mother of a child.
- (8) "Child" means any person under eighteen (18) years of age.
- (9) "Child placing agency" means any person or organization, other than the parents, who places a child outside the home of the child's parents or guardian, or advertises or holds him/herself forth as performing such services, but excluding the attorney, physician, or clergyman of the parents per section 453.014(4), RSMo.
- (10) "Confidentiality" means the act of holding in trust both identifying and nonidentifying information about clients receiving services from a licensed child placing agency.
- (11) "Custody" means the right of care and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child. Temporary custody of a child may be granted for a limited time only, usually pending further action or review by the court.
- (12) "Director" means the director of the Division of Family Services.
- (13) "Division" means the Division of Family Services of the Department of Social Services.
- (14) "Facility" is any building of a licensed agency in which children reside.
- (15) "Family assessment" means a formal evaluation of the capacity and readiness of foster parent or adoptive applicants to receive a child, that includes a written report and recommendation.
- (16) "Finalization" means the issuance of a court order by an appropriate court which declares the child to be the child of adoptive petitioners as though born to them with full rights of inheritance.
- (17) "Foster care" see alternative care.
- (18) "Foster home" means a private residence of one or more family members providing twenty-four (24)-hour care to one (1) or more, but less than seven (7) children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage or adoption.
- (19) "Foster parent" means a person of age twenty-one (21) or older who is licensed to provide twenty-four (24)-hour care to one (1) or more, but less than seven (7), children who are unattended by parent or guardian and who is unrelated to the child(ren) by blood, marriage or adoption.
- (20) "Governing body" means the legal entity with ultimate authority and responsibility for the agency's overall operation.
- (21) "Home study" see family assessment.
- (22) "ICAMA" means the Interstate Compact on Adoption and Medical Assistance (ICAMA). A contract enacted into law among twenty-eight (28) states (as of May 1994) whereby medical assistance (Medicaid) may be granted to an adopted child in the state where the child lives, based upon certain criteria, one (1) of which is the provision of adoption subsidy through an agreement between an agency and the adoptive parents.
- (23) "ICPC" means the Interstate Compact on the Placement of Children (ICPC). A contract enacted into law among the fifty (50) states, the District of Columbia, and the Virgin Islands whereby approval must be obtained from the receiving state ICPC office prior to the placement of a child across state lines for the purpose of adoption or certain other types of placement.
- (24) "ICWA" means the Indian Child Welfare Act (ICWA).
- (25) "Immediate family" means a person related within the third degree of blood, marriage or adoption; parent, grandparent, brother, sister, half brothers, half sisters, stepparent, stepbrothers, step-sisters, uncle, aunt or first cousin.
- (26) "Independent adoption" means the placement of a child with a prospective adoptive parent by a birth parent or some other person, acting as allowed by state law, as an intermediary. Also referred to as a private, identified or designated adoption.
- (27) "International adoption" means the adoption of a child from a country other than the United States or of a child who is not a United States citizen by birth or naturalization.
- (28) "Legal father" is the husband of a natural mother at the time the child was conceived.
- (29) "License" means the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536, RSMo (Supp. 1995) to a foster home, residential care facility, or child placing agency which authorizes the foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of sections 210.481 to 210.536, RSMo (Supp. 1995) and rules issued pursuant thereto.
- (30) "MEPA" means Multi-Ethnic Placement Act (MEPA), Public Law 103-382 (1994).
- (31) "Office" means the place where business is transacted and where the functions of an agency are performed.

(32) “Operating capital” means sufficient assets on hand to cover the initial start-up expenses for the initial period of licensure.

(33) “Permanency plan” means moving children to permanent homes, birth or adoptive, in a purposeful and timely manner.

(34) “Placement services” means any and all services offered to prospective adoptive children and families, ranging from selection of a particular family for a particular child through the physical arrival of the child in the adoptive home.

(35) “Post-legal adoption services” means any and all services offered to any party involved in an adoption after the adoption is granted or finalized by the appropriate court.

(36) “Post-placement services” means any and all services offered to any member of an adoptive family from the placement of the child to finalization of the adoption.

(37) “Power of attorney” means an instrument authorizing another to act as one’s agent or attorney.

(38) “Pre-placement services” means any and all services offered to birth parent(s) and child(ren) to evaluate and prepare them for an adoptive placement.

(39) “Private adoption” see independent adoption.

(40) “Private agency adoption” means the services offered by a licensed agency in placing a child for adoption.

(41) “Public agency adoption” means the services offered by a state public child welfare agency in placing a child for adoption.

(42) “Social worker” means a professional person who possesses the qualifications and appropriate licensure to work directly with children, adoptees, birth and/or adoptive parents and other relevant individuals. If the person is a contracted person of a licensed child placing agency, such person must possess a valid license from the Division of Professional Registration and must, at a minimum, possess either a Bachelor’s Degree or a Master’s Degree in Social Work from an accredited institution.

(43) “Subsidy/adoption assistance” means the provision of financial assistance to adoptive families who are adopting a child with special needs as defined in state and federal law.

(44) “Termination of parental rights” (TPR) means a legal action which severs the parent-child relationship and allows the child to be adopted.

*AUTHORITY sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). *Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Rescinded and readopted: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded and readopted: Filed Oct. 13, 1982, effective Jan. 13, 1983. Amended: Filed Oct. 7, 1987, effective March 25, 1988. Rescinded and readopted: Filed Jan. 14, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.012 Basis for Licensure and Licensing Procedures

PURPOSE: This rule describes the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.

(1) Licensing Authority.

(A) Section 210.486, RSMo states it is unlawful for any person to operate a child placing agency without having a written license issued by the division, except for those persons specifically exempted by section 210.516, RSMo.

(B) Any person who desires to develop, establish, maintain or operate, a child placing agency, except for those persons exempt from licensing pursuant to section 210.516, RSMo, must file an Application for Licensure form with the division and must receive a license prior to accepting any clients for services.

(C) Before a license may be granted, an agency must be in compliance with sections 210.481–210.536, RSMo and applicable rules promulgated and issued by the division.

(2) Application for Licensure.

(A) The application for license shall be completed by the officers of the governing board of the child placing agency, or its authorized representative, on a form prescribed and furnished by the division and shall be forwarded to the division.

(B) An agency shall submit the following documents to the division along with the application:

1. Documentation of the legal basis for operation;
2. A certified copy of the current Articles of Incorporation;
3. A copy of the current by-laws;

4. A list of the names and addresses of the current members of the governing board and a notarized letter of acceptance from each;

5. A completed personnel report on a form prescribed by the division;

6. Verification of the education, experience and character of the administrator, all professional staff and all contracted personnel;

7. Verification of a physical examination for all staff working directly with children, completed by a licensed physician or a registered nurse who is under the supervision of a licensed physician;

8. Results of a check of the Child Abuse and Neglect Central Registry Unit (CA/NCRU) for all staff and volunteers;

9. A criminal records check for each employee from a state law enforcement agency;

10. A chart depicting the agency’s organizational structure and lines of supervision;

11. A proposed budget for a period of not less than twelve (12) months’ duration which shows both anticipated expenses and income for the period;

12. An itemized schedule of all fees to be assessed to applicants;

13. Verification of availability of not less than ninety (90) days’ operating capital;

14. A copy of the Civil Rights Agreement signed by the president of the governing board or the agency director;

15. An outline of the agency’s proposed program and the specific geographic area to be served (this shall be directly related to the number of staff and the geographic area to which it can actually provide services);

16. A projected staffing plan for the anticipated capacity and programming of the agency;

17. A written statement clearly setting forth the authority and responsibilities delegated to a director, administrator, or supervisor, if other than the owner. When the responsibility for the operation of an agency rests with the governing board, that governing board shall establish written policies and procedures which clearly establish the lines of responsibility governing the operation of the agency. These shall include a statement of the kind and extent of authority delegated to the director employed to carry out the program;

18. A written description of intake policies which delineates the types of services to be provided, specific programs offered, and the methods of care and treatment to be provided;

19. Job title, job description and minimum qualifications for all staff;

20. Written child abuse and neglect reporting policy;

21. Written personnel practices, including staff training and orientation;

22. Written discipline policy for children in care;

23. Written visitation policy for children in care;

24. Written health care policy for children in care which shall include preventive, medical, eye, hearing and dental care;

25. A written statement of any religious practices or religious restrictions;

26. A written plan for all foster parent training; and

27. Proof of professional and commercial general liability insurance.

(C) A new application shall be filed—

1. If the agency fails to follow through with completing the requirements for licensure within six (6) months of initial application;

2. When an application for licensure has been withdrawn, and the agency seeks to reapply;

3. When there is a change of ownership or corporate status of the agency;

4. When the division has revoked or refused to renew a license and a new license is sought; and

5. When a license or application has been voluntarily surrendered or withdrawn by the applicant.

(3) Licensing Assessment.

(A) A thorough assessment of the agency shall be made by the division, including a review of the documents required in this rule and visits to the agency to determine compliance with the licensing law and applicable rules.

(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, and if compliance is not achieved within a six (6)-month period, a new Application for Licensure must be filed if the agency desires to pursue licensure.

(4) The License.

(A) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for an initial six (6)-month probationary term.

(B) Following the probationary period, upon determination of continued compliance with Missouri statutes and applicable licensing rules, the director shall extend the term of the license for a period not to exceed two (2) years.

(C) The license shall be posted in a conspicuous place on the premises of the facility.

(D) The license shall reference specific category of service(s) the agency is authorized to provide.

(E) The license shall not be transferable and applies only to the agency to whom it is issued.

(5) License Amendment.

(A) An agency shall file an Application for Amendment with the division at least thirty (30) days prior to relocation, addition of a branch or operating site, change in the name of the agency or significant change in the program.

(B) An Application for Amendment shall be in the form of a letter from the executive director or board of directors and shall include the following information:

1. The type of change being requested;
2. The date the change will take effect;
3. Why the change is being requested;

and

4. Any specific location changes including full address and telephone number.

(C) These changes shall be approved by the division before implementation.

(6) Licensing Renewal.

(A) Application forms for renewal of licensure shall be mailed to the child placing agency by the division at least sixty (60) days prior to the expiration of the license.

(B) The agency shall complete and return the application to the division thirty (30) days prior to the expiration of the current license.

(C) The division shall initiate action on the completed application prior to the expiration of the existing licensure period.

(D) When an agency has made timely and sufficient application for renewal of a license and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.

(E) In addition to the completed renewal application, the following documents shall be submitted:

1. Verification of a biennial physical examination, completed by a licensed physician, registered nurse who is under the supervision of a licensed physician, or an advanced practice nurse in a collaborative agreement with a licensed physician for all staff working directly with children (see 13 CSR 40-73.030(3)(A));

2. A current governing board roster, with officers identified, including the addresses and a notarized letter of acceptance from each member;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of the current organizational chart;

5. A completed personnel report on a form prescribed by the division;

6. Results of an annual check of the CA/N CRU for all staff, contracted personnel and volunteers working with children;

7. Results of the annual criminal records check for all staff, contracted personnel and volunteers working with children;

8. A copy of a biennial financial audit and evaluation of the financial soundness of the operation conducted by a certified public accountant not employed by the agency;

9. A copy of the budget for the current calendar or fiscal year;

10. A statistical report on a form supplied by the division;

11. A list of the names and addresses of all current foster homes licensed by the agency;

12. An annual written plan for all foster parent training;

13. A written plan indicating how the agency will provide for the transfer of records on both open and closed cases in the event the agency closes;

14. An annual program evaluation;

15. An itemized schedule of all fees to be assessed to applicants; and

16. Copies of all written agreements (contracts) for the adoption process.

(F) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

AUTHORITY: sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). Original rule filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*



MISSOURI DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FAMILY SERVICES
**APPLICATION FOR LICENSE TO OPERATE
A CHILD PLACING AGENCY**

P O BOX 88
JEFFERSON CITY MO 65103

INITIAL RENEWAL

We hereby make application to the Division of Family Services, Department of Social Services, for a License to operate a Child Placing Agency. We agree to abide by the Rules and Regulations prescribed by the Division of Family Services.

1. NAME OF AGENCY (AS IT WILL APPEAR ON LICENSE)	2. TELEPHONE NUMBER
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3. ADDRESS (STREET NUMBER, CITY, COUNTY, ZIP CODE)

4. TYPE(S) OF SERVICE TO BE PROVIDED (CHECK ALL THAT APPLY)

ADOPTION
 FOSTER HOME PLACEMENT
 FOSTER HOME LICENSE RECOMMENDATION

5. OPERATING SITES: (USE THE ATTACHED RL-8E)

a.

b.

c.

d.

6. CONDUCTED UNDER THE AUSPICES OF (NAME OF SPONSORING ORGANIZATION)

7. DATE ORGANIZED	8. DATE INCORPORATED
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9. CURRENTLY ACCREDITED BY

10. ORIGINAL ACCREDITATION DATE	11. TERM OF ACCREDITATION
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12. LIST ALL STATES IN WHICH AGENCY HOLDS AN ACTIVE CHILD PLACING LICENSE

13. IS THERE ANY PENDING LEGAL ACTION AGAINST THE AGENCY, ANY BOARD MEMBER OR ANY STAFF MEMBER INVOLVING THE OPERATION OF THE AGENCY? IF YES, EXPLAIN ON A SEPARATE PAGE.

YES NO

NOTE: Any person who violates any applicable provision of sections 210.481 to 210.536, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof shall be guilty of a Class A misdemeanor. In case such guilty person be a corporation, association, institution, or society, the officers thereof who participate in the activity shall upon conviction be subject to the penalties provided by law.

I certify the information provided with this application and attachments to be true.

SIGNATURE OF DIRECTOR OR BOARD CHAIRMAN	DATE
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TITLE



MISSOURI DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FAMILY SERVICES
RESIDENTIAL PROGRAM UNIT

MEDICAL EXAMINATION REPORT FOR CHILD CARE PROVIDER/STAFF

I. IDENTIFYING INFORMATION (TO BE COMPLETED BY PATIENT)		
NAME	BIRTHDATE	
ADDRESS (STREET, CITY, STATE, ZIP CODE)	TELEPHONE NUMBER ()	
NAME OF CHILD CARE FACILITY WHERE EMPLOYED		
II. TO BE COMPLETED BY A LICENSED PHYSICIAN OR REGISTERED NURSE UNDER THE SUPERVISION OF A LICENSED PHYSICIAN		
<p>This individual will be in contact with children, _____ through _____, receiving child care outside their own homes. S/he may be responsible for the physical care and social development of young children during daytime and/or nighttime hours. Some lifting of young children may be required.</p> <p>On _____ (date) I examined this patient and certify –</p> <p>A. That s/he is in good physical and emotional health and free of contagious disease;</p> <p>B. To the best of my knowledge s/he is free of impairment due to the use of medication;</p> <p>C. To the best of my knowledge s/he is free of a current drug or alcohol dependency; and</p> <p>D. That s/he is free of active tuberculosis as established by a tuberculin skin test, a chest x-ray, or appropriate follow-up of a previous examination. (If chest x-ray is contra-indicated, please comment on follow-up indicating if this person will pose a hazard to other persons).</p> <p>TB testing, chest x-ray, or follow-up examination was completed on _____ (date).</p>	YES	NO
<p>Does patient have any physical or mental conditions which might endanger the health of children or that might prevent him/her from providing adequate care for children? If yes, explain below.</p> <p>Are there any restrictions on children's ages, number of children or hours of care? If yes, explain below.</p>		
Remarks/Restrictions, if any:		
SIGNATURE OF PHYSICIAN OR REGISTERED NURSE UNDER THE SUPERVISION OF A PHYSICIAN	DATE	PHYSICIAN'S OR NURSE'S NAME (PLEASE PRINT)
NAME OF CLINIC, GROUP PRACTICE, OTHER	IF NURSE IS SUPERVISED BY A PHYSICIAN, INDICATE PHYSICIAN'S NAME	
ADDRESS (STREET, CITY, STATE, ZIP CODE)	TELEPHONE NUMBER ()	



MISSOURI DEPARTMENT OF SOCIAL SERVICES
 DIVISION OF FAMILY SERVICES
 RESIDENTIAL PROGRAM UNIT
CHILD'S MEDICAL REPORT

NAME				DATE OF BIRTH		MEDICAID NUMBER	
RACE	SEX	HEIGHT	WEIGHT	TEMP	PULSE	RESP	BP
HISTORY OF ILLNESS: (ENTER THE YEAR IN WHICH CHILD HAD THE FOLLOWING:							
CHICKEN POX		TUBERCULOSIS		PNEUMONIA		DIABETES	
MUMPS		RUBELLA		SEIZURE DISORDER		ASTHMA	
RHEUMATIC FEVER		SCARLET FEVER		MEASLES		POLIOMYELITIS	
HEPATITIS (JAUNDICE)		MENINGITIS		STREP THROAT			
DATE AND TYPE OF TB TEST GIVEN			RESULT OF TB TESTING				
KNOWN ALLERGIES							
MEDICATIONS PRESCRIBED AND PURPOSE							
FINDINGS OF THE PHYSICAL EXAMINATION							
FINDINGS OF A NEUROLOGICAL EXAMINATION							
LABORATORY OR TEST RESULTS							
ARE ANY ADDITIONAL TESTS NEEDED? IF YES, SPECIFY:						<input type="checkbox"/> YES	<input type="checkbox"/> NO
This child will be engaging in a full range of physical activity and recreation. Are there any significant physical disabilities which could limit this child's engagement in strenuous physical activities? If yes, please specify:						<input type="checkbox"/> YES	<input type="checkbox"/> NO
TREATMENT RECOMMENDED							
SIGNATURE OF PHYSICIAN OR REGISTERED NURSE UNDER THE SUPERVISION OF A PHYSICIAN				DATE	PHYSICIAN'S OR NURSE'S NAME (PLEASE PRINT)		
NAME OF CLINIC, GROUP PRACTICE, OTHER				IF NURSE IS SUPERVISED BY PHYSICIAN, INDICATE PHYSICIAN'S NAME			
ADDRESS (STREET, CITY, STATE, ZIP CODE)						TELEPHONE NUMBER ()	



HISTORY OF IMMUNIZATION REQUIRED BY MISSOURI STATE LAW															
INITIAL SERIES	1ST			2ND			3RD			4TH			5TH		
	MONTH	DAY	YEAR												
DPT															
T.d.															
POLIO ORAL															
MEASLES															
MUMPS															
RUBELLA															
MMR															
HIB															
HBV															
TB TEST															

MO 886-3332 (4-96)



MISSOURI DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FAMILY SERVICES/RESIDENTIAL PROGRAM UNIT

STATISTICAL REPORT

NAME OF AGENCY		CALENDAR YEAR (January 1 through December 31)		
CITIZENSHIP AT TIME OF PLACEMENT	PREVIOUS YEAR		CURRENT YEAR	
	US CITIZEN	NON US CITIZEN	US CITIZEN	NON US CITIZEN
Number of children placed in foster care				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Average length of stay of children in foster care (days)				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of children placed for adoption				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
For International Placements:				
ASIAN				
ASIAN INDIAN				
EASTERN EUROPEAN				
SOUTH AMERICA				
OTHER (LIST BY COUNTRY)				
Number of foster home studies completed				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of foster homes licensed				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of adoptive studies completed				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				



NAME OF AGENCY		CALENDAR YEAR (January 1 through December 31)		
CITIZENSHIP AT TIME OF PLACEMENT	PREVIOUS YEAR		CURRENT YEAR	
	US CITIZEN	NON US CITIZEN	US CITIZEN	NON US CITIZEN
Number of families who received a child for adoptive placement				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of families currently under adoption				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of families who finalized adoption				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of birth parents served who relinquished				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				
Number of birth parents who chose to parent				
WHITE				
AFRICAN AMERICAN				
HISPANIC				
ASIAN				
NATIVE AMERICAN/ESKIMO				
OTHER				

1. For agencies providing International Adoption Services, list the countries of origins and number of children placed from each country. YES NO
2. Has your agency placed any children from a foreign country or from the United States, outside the fifty states? If yes, list the number of children and country/territory of YES NO
3. Has your agency placed any Missouri children outside the state of Missouri? If yes, list the number of children and the country, territory or state of placement.
4. List by name and departmental vendor number (DVN) any ofster home or adoptive home revocations or disruptions during the year.
5. List by name and address any active foster/adoptive family who had allegations of child abuse and neglect made to the Central Registry of the Division of Family Services; and disposition, if known.



MISSOURI DEPARTMENT OF SOCIAL SERVICES
 DIVISION OF FAMILY SERVICES
 RESIDENTIAL PROGRAM UNIT
CIVIL RIGHTS AGREEMENT

TO: ALL LICENSED RESIDENTIAL AGENCIES FROM WHICH CARE OR SERVICES ARE PURCHASED BY THE DIVISION OF FAMILY SERVICES

FROM: THE DIRECTOR OF THE MISSOURI DIVISION OF FAMILY SERVICES

SUBJECT: CIVIL RIGHTS INFORMATION AND AGREEMENT FORM

Public Law 88-352, the Federal Civil Rights Act of 1964, states as follows in Section 601, Title VI of the Act: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Under the authority of section 602 of Title VI of the Act, the Secretary of the U.S. Department of Health, Education and Welfare has promulgated a regulation carrying out the intent of the Act as it applies to programs and grants which receive Federal financial assistance through the Department. This Regulation is set forth in Title 45, Code of Federal Regulations, Part 80. Subsection 80.5 is stated in part as follows: "(a) In grant programs which support the provision of health or welfare services, discrimination in the selection or eligibility of individuals to receive the services, and segregation or other discriminatory practices in the manner of providing them, are prohibited. This prohibition extends to all facilities and services provided by the grantee under the program or, if the grantee is a State, by a political subdivision of the State. It extends also to services purchased or otherwise obtained by the grantee (or political subdivision) from hospitals, nursing homes, schools, and similar institutions for beneficiaries of the program, and to the facilities in which such services are provided, subject, however, to the provisions of 80.3(e)" (which refers to sheltered workshops under Vocational Rehabilitation.

In view of the above it is mandatory for the Division of Family Services, if it is to continue receiving Federal funds for financing the public assistance, medical care, vocational rehabilitation for the blind, and social service programs in Missouri, to receive from each person, agency, or institution from which care or services are purchased for applicants or recipients of assistance or services, written assurance of compliance with the Civil Rights Act.

We are enclosing two copies of Attached form, RPU-32, "Civil Rights Agreement Form". Will you please fill out both forms, sending the original to the State Supervisor, Residential Program Unit, Division of Family Services, P.O. Box 88, Jefferson City, Missouri 65103, within thirty (30) days and keep one copy for your file.

This agency or organization hereby gives assurances to the Missouri Division of Family Services that:

1. The care and services offered is available to any person without discrimination regardless of race, color, or national origin; and
2. Such report as may be required by the Division in connection with the Civil Rights Act of 1964 will be provided when necessary.

NAME OF AGENCY	DATE
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MAILING ADDRESS

SIGNATURE OF ADMINISTRATOR OR EXECUTIVE DIRECTOR	SIGNATURE OF PRESIDENT OF BOARD OF DIRECTORS
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MAIL ONE COPY WITHIN 30 DAYS TO:	MISSOURI DIVISION OF FAMILY SERVICES RESIDENTIAL PROGRAM UNIT P.O. BOX 88 JEFFERSON CITY, MO 65103
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13 CSR 40-73.015 Exemption of Child Placing Agencies From Licensure

PURPOSE: This rule sets forth the requirement that child care facilities must be under the exclusive control of a religious organization in order to qualify for exemption under sections 210.211(5) or 210.516.1(5), RSMo.

Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization; or any institution or agency maintained or operated by the state, city or county shall be exempt from licensure, per section 210.516, RSMo.

AUTHORITY sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). Original rule filed Oct. 7, 1987, effective March 25, 1988. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.017 Hearings and Judicial Review

PURPOSE: This rule addresses the procedures for license denial, revocation, suspension, or suspension of intake and the right for an administrative hearing and judicial review for an agency aggrieved by a final decision of the director.

(1) License Denial, or Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

- 1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, and Chapter 453, RSMo if licensed as an adoption agency, and the applicable corresponding rules;
- 2. Violates any of the provisions of its license;
- 3. Violates state laws or rules relating to the protection of children;
- 4. Permits abuse or neglect of children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and fails to take corrective action acceptable to the division to ensure the safety of children;

5. Employs persons who abuse or neglect children, or are the subjects of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and the agency fails to take corrective action acceptable to the division to ensure the safety of children;

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served.

(B) The division shall provide written notice within ten (10) days of denial or revocation of licensure to the agency, which shall include the reason(s) for the denial or revocation. Upon receipt of the notice of denial or revocation, the agency shall cease operation within five (5) working days unless the denial or revocation is stayed by an appropriate administrative or judicial order.

(C) The agency may appeal the decision of the division to deny or revoke the license by filing a request for appeal with the division within ten (10) days after receipt of the notice of denial or revocation.

(D) Any person aggrieved by a final decision of the division with regard to the denial or revocation of licensure shall be entitled to a hearing and review by the director or his/her designee as provided by section 210.526, RSMo.

(E) An agency shall not reapply for licensure within one (1) year from the date of denial or revocation.

(2) License Suspension and Suspension of Intake.

(A) The division shall have the authority to suspend the license of an agency when necessary to protect the health, safety and welfare of children.

(B) The division shall provide written notice within ten (10) days of the suspension of license and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review.

(C) The division shall have the authority to suspend the intake of children into placement during prescribed time periods in order to assure the health, safety and welfare of children.

(D) The division shall have the authority to suspend the intake of birth parents and prospective adoptive parents during prescribed time periods in order to assure the health, safety and welfare of clients.

(E) The division shall provide written notice within ten (10) days of the suspension of license and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review.

(F) In the event that intake only is suspended, the division shall provide written notice within ten (10) days of the suspension and the reasons for the suspension, including time frames and limitations on intake.

(G) When the division suspends the license or the intake of an agency, the suspension shall be for a period not to exceed thirty (30) calendar days, or until there is an administrative review and decision by the director, whichever is first. The director can extend the suspension for an additional thirty (30) calendar days if the agency has failed to rectify the problem(s).

AUTHORITY: sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). Original rule filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.018 Court Review and Dispositional Hearing

PURPOSE: This rule defines the provisions for judicial review and disposition of the child(ren).

The agency shall comply with all applicable requirements of section 210.710 or 210.720, RSMo, pertaining to judicial review of the status of the child.

AUTHORITY: sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). Original rule filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.020 Organization and Administration

PURPOSE: This rule sets forth the requirements for the incorporation, administration and financing of the agency.

(1) Legal Basis for Operation. Agencies which are incorporated in the state of Missouri shall submit to the division their Articles of Incorporation and Certificate of Incorporation.

(2) An agency shall have a governing board, advisory board or designated individual responsible for establishing its policies, determining its programs, guiding its development and providing its leadership. The governing board, advisory board or designated individual shall be responsible for—

(A) Developing and maintaining a program of orientation and training for all new members of the governing board or advisory board;

(B) Developing, maintaining and incorporating provisions for amending a set of bylaws regulating the size, method of selection, structure, function, organization, decision making and authority of the governing board or advisory board;

(C) Keeping minutes of each meeting of the governing board or advisory board which shall reflect its official actions;

(D) Meeting as often as necessary, but at least four (4) times a year to conduct the business of the agency;

(E) Continuing compliance with all applicable federal, state or local laws, or regulations governing the operation and services of the agency;

(F) Assuring that an agency's standards of practice be professional, ethical and responsive to client's needs;

(G) Appointing the administrator and delegating responsibility to that person to administer the agency in all of its activities, functions and services;

(H) Performing and retaining a written evaluation of the administrator on an annual basis;

(I) Providing the division a written statement which sets forth the kind and extent of authority delegated to the administrator;

(J) Assuring that all facilities are maintained, staffed and equipped to implement the agency's program effectively;

(K) Evaluating the written policies, program, procedures, and fee structures annually to determine that the interests of children and families are being served, and submitting the evaluation in writing to the division;

(L) Meeting with division staff when requested;

(M) Providing written notification to the division within five (5) working days when there is a change of administrator, governing board president or the organizational structure of the agency;

(N) Adequately protecting the legal rights of children served by the agency;

(O) Informing the division in writing of any legal action brought against the agency which affects any child or children in care, personnel, or conduct of the agency; and

(P) Maintaining a written list of the names, addresses, and title of each member of the governing board or advisory board which shall be provided upon request.

(3) The agency shall be responsible for financial management.

(A) The agency shall approve an annual budget which shall be on file at the agency and submitted to the licensing unit.

(B) The agency shall monitor the financial affairs of the agency and establish an accounting system capable of tracking income and expenditures.

(C) The agency shall be audited biennially by an independent certified public accountant and a copy shall be submitted to the division.

(D) The treasurer and all other persons authorized to handle funds of an agency shall furnish the agency fidelity bonds in amounts to be determined by the governing board. The expense of such bonds shall be borne by the agency.

(E) The agency shall develop written policy on management and security of client fees.

(4) The agency shall have a written policy covering conflict of interest, which shall include at a minimum the following provisions:

(A) Governing board members shall exempt themselves from voting on, or participating in, decisions that have or could have a monetary benefit or a benefit of any other nature upon them or their immediate family;

(B) The agency shall not use any business that is owned or operated by a governing board member or in which a governing board member has a financial interest, or shall not use the services of a governing board member unless the governing board can document that the goods or services were obtained at a competitive price;

(C) Governing board members seeking foster care or adoptive placement services from the agency shall resign from the governing board during the period(s) when such services are received. The requirements shall also apply when a person from a governing board member's immediate family seeks agency services;

(D) The agency shall not require clients to use the consultant services of a governing board member or of a governing board member's family;

(E) A governing board member shall not use a governing board position for personal benefit or for the benefit of family or friends who are seeking services from the governing board member's agency;

(F) While employees or their spouses can be members of the governing board, such membership shall not comprise more than forty percent (40%) of the composition of the governing board; and

(G) Any potential conflict of interest shall be declared by a governing board member and the minutes shall record declaration and abstention from the vote when a conflict exists.

(5) Agency Ethics.

(A) Agencies must not make or facilitate financial payments or offer other incentives for referrals.

(B) Agencies shall not influence decisions of clients by offering financial or other incentives.

(C) Agencies shall not coerce clients in any manner.

(D) All professional agency staff shall maintain the ethical codes of their respective professions.

AUTHORITY sections 210.481–210.536, (1994) and (Cum. Supp. 1996). Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refined: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.030 Personnel Practices and Personnel

PURPOSE: This rule sets forth the requirements for child abuse/neglect, medical examinations, personnel records, job descriptions and staff orientation.

(1) Personnel Practices.

(A) An agency shall have a written statement of personnel practices, approved by the governing board, which shall be furnished to all employees at the time of employment.

(B) The personnel policies shall be reviewed annually and updated as necessary by the agency.

1. Personnel policies will include, but not be limited to:

A. Hiring and termination procedures;

B. Description of employment benefits, including, but not limited to, paid vacation, sick leave, holidays, leaves of absence, retirement plans, insurance (malpractice, health, liability);

C. Provision of annual evaluations of work performance;

D. Provision for staff development through in-service training and continuing education;

E. Provision for addressing concerns, disagreements and grievances of staff;

F. Probationary status;

G. Agency chain of command; and

H. Employment outside the agency.

2. Job descriptions shall be established in writing for all positions.

(C) The agency shall investigate and evaluate employment application information carefully to determine whether employment of an applicant is in the best interests of the children and clients served.

1. No person who has served as a member of the governing board, administrator or other officer of an agency that has failed to secure a license to operate as a child placing agency shall be employed by, licensed by or associated with a licensed child placing agency for a period of two (2) years after termination or cessation of that illegal operation.

2. No person, administrator, or other officer of an agency which continued in operation after having knowledge of the revocation or suspension of the agency's license shall be employed by or associated with a licensed agency for a period of two (2) years from cessation of the illegal operation.

3. The division may waive provisions of 13 CSR 40-73.030(1)(C)1. and 2. if it is shown that the person had no knowledge of or had no reason to know the operation was illegal. Such a waiver must take place before the employee is hired or a request for a waiver shall be submitted to the division within thirty (30) days after it is discovered that an ineligible person has been employed.

(D) The agency shall require that each employee secure and provide to the agency an annual criminal records check from a state law enforcement agency.

(E) Prior to the employment of any person for a position requiring credit hours and/or a degree from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the agency.

(F) An agency shall secure the names of at least three (3) persons for each staff person, who are unrelated to the staff member, who can provide character references; employer references for each staff person from all previous employers within the last five (5) years and a history of any previous employment in child placing or child caring settings. All references shall be documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact and the content of the contact.

(2) Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks.

(A) The agency shall request from the division an annual check of the Child Abuse and Neglect Central Registry Unit to determine whether a child abuse and/or neglect report has been received on staff members, contracted personnel and volunteers working directly with children. The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment and annually thereafter. Results of the checks shall be on file at the agency.

(B) The agency shall require each staff person to read and sign a statement defining child abuse and neglect and outlining responsibilities to report all child abuse and neglect incidents as required by Chapter 210, RSMo.

(3) Medical Examinations.

(A) All persons employed by an agency who work directly with children shall be free of signs of highly communicable disease or other evidence of ill health which poses a threat to children. This shall be verified by a physical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative agreement with a licensed physician or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.

(B) Medical examination reports shall include a tuberculin skin test, a chest x-ray or appropriate followup of a previous examination that indicates the individual is free of contagion.

(C) Staff shall be free of any conditions which would adversely affect their ability to work with children or families or pose a threat to children.

(D) If the division has reason to question the capabilities of any person working directly with children, the division may require additional examinations.

(4) Personnel Records. Personnel records shall be maintained for each staff member and shall include:

(A) Verification of education and experience;

(B) Verification of character references from three (3) persons, unrelated to the staff member;

(C) Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;

(D) A copy of the job description signed by the employee;

(E) Reports of initial and subsequent physical examinations;

(F) Results of annual checks of the CA/N CRU;

(G) The date of employment, date and reason(s) for termination of employment;

(H) Copies of an initial six (6)-month performance evaluation and each subsequent annual evaluation;

(I) Results of the annual criminal records check;

(J) A signed and dated statement by the employee that written personnel policies were received and reviewed; and

(K) Documentation of orientation and annual staff training.

(5) Job Descriptions. An agency shall establish a written job description for each position, which shall be made available to the employee at the time of employment. Each description shall describe the duties and responsibilities of the position, address supervision, required knowledge, skills and abilities, minimum experience, educational requirements, and shall include examples of work performed.

(6) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency's programs, practices and the duties and expectations of his/her position. The orientation program shall include, but not be limited to:

(A) Agency philosophy and history;

(B) Agency policies;

(C) Agency staff roles;

(D) The family's role in the child's care and the worker's role and responsibilities in relation to the family;

(E) Complete description of the agency's program model;

(F) Record keeping requirements;

(G) Confidentiality;

(H) The procedure for identifying and reporting child abuse or neglect, or both, in accordance with sections 210.110-210.165, RSMo; and

(I) Review and discussion of state licensing rules.

(7) Staff Development.

(A) An agency shall establish and submit to the licensing unit an annual written plan for at least twenty (20) hours of training each

year for the administrator and professional staff.

(B) All training must be documented with the dates, location, the subject and the name of the person(s) who conducted the training.

(C) The training may include, but not be limited to, short-term courses, seminars, institutes, workshops and in-service training provided on-site by qualified professionals.

(D) Staffings and supervisory conferences will not count toward training hours.

(E) The training plan shall include, but not be limited to:

1. Developmental needs of children;
2. The direct care and professional staff roles in the facility;
3. Specific requirements of the applicable laws relating to adoption that effect the performance of their duties, as well as, local court rules;
4. Trans-racial and cross-cultural placement;
5. Cultural diversity;
6. Separation and attachment issues;
7. Conducting a family assessment; and
8. Adoption-related training, if agency provides such service;

A. Interstate Compact for the Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA);

B. Adoption subsidy;

C. International adoptions;

D. Adoption search issues;

E. Adoption risk issues;

F. Post-placement services; and

G. Post-legal adoption services.

(8) The agency shall maintain for a period of at least five (5) years the personnel record of an employee who leaves the agency.

*AUTHORITY sections 210.481–210.236, RSMo (1994) and (Cum. Supp. 1996). *Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.035 Staff Qualifications and Requirements

PURPOSE: This rule sets forth the requirements for personnel practices, including staff qualifications, contract personnel, caseload size, and nonpaid staff.

(1) Employee Qualifications. The agency shall employ staff who are qualified by education, training and experience for their assigned responsibilities. A current employee who has qualified for a position under the previous rule and is serving in that position shall be exempt from meeting any increased requirements defined by these rules.

(2) Administrative Personnel.

(A) The agency shall employ staff to perform administrative, supervisory, social service and direct care functions which may be combined only upon the approval of the governing board.

(B) Staff members shall meet the requirements for each function, for direct and nondirect care functions, when such functions are combined as approved by the governing board.

(C) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

1. A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school and three (3) years experience in the management or supervision of child placing or residential care personnel and programs; or

2. A bachelor's degree in social work or a human service area of study from an accredited school and five (5) years experience in the management or supervision of child placing or residential care personnel and programs; or

3. If the administrator is responsible only for administrative functions such as personnel and fiscal matters, and is not responsible for direct supervision of the programs and services of the agency, the agency may then employ an administrator who has a bachelor's degree from an accredited school and two (2) years experience in child placing or residential care services. However, in this case, the agency shall employ a person, responsible for the direct supervision of the agency's services, who meets the qualifications set forth in 13 CSR 40-73.035(2)(C)1. or 2.

(D) The administrator's responsibilities include:

1. Developing, implementing and maintaining policies and procedures for program and fiscal operation under the direction of the governing board;

2. Keeping the governing board informed of the program and management of the agency;

3. Interpreting and implementing recognized standards for child welfare services;

4. Ensuring that the agency achieves and maintains compliance with the requirements of the licensing rules;

5. Employing, evaluating and discharging staff members, in accordance with the agency's established personnel policies; and

6. Ensuring the maintenance of current client's records and statistics.

(E) When the position of administrator is vacated, the governing board shall within five (5) working days submit a plan for interim management to the division for approval. The plan is to include:

1. Provisions for recruitment of a permanent administrator;

2. The name of the designee and his/her qualifications; and

3. His/her responsibilities.

(F) The administrator shall designate in writing a qualified staff person to be in charge when s/he is absent.

(3) Supervisor of Placement Services.

(A) In an agency where the administrator operates primarily in an administrative capacity and is not directly involved in child placing activities, a person shall be employed as supervisor of placement services.

1. A supervisor of placement services employed after the effective date of these rules shall have one (1) of the following:

A. A master's degree in social work or a human service area of study from an accredited school plus three (3) years experience in child placing services; or

B. A bachelor's degree in social work or a human service area of study from an accredited school plus five (5) years experience in child placing services and possess a current license as a clinical social worker in the state of Missouri.

2. A supervisor of placement services responsibilities include:

A. The supervision, management, training and evaluation of all professional staff, students and consultants involved in placement services;

B. The supervision of volunteers whose work involves direct contact with clients;

C. The approval of decisions regarding family and child eligibility for service, maternity and child care, transportation and placement arrangements, finalization, and any other changes in the child's legal status; and

D. The implementation of the agency's adoption program(s) and services, and recommendations regarding changes to the program.

3. When the position of supervisor of placement services is vacated, the agency shall submit a plan within five (5) working days for interim supervision to the division. The plan is to include:

A. Provisions for recruitment of a permanent supervisor of placement services;

- B. The name of the designee and his/her qualifications; and
- C. His/her responsibilities.

(4) Professional Personnel.

(A) An agency shall obtain any professional services required for the implementation of the individual service plan of a child when these services are not available from staff.

1. An agency shall arrange or make appropriate referrals for medical, legal, psychiatric, psychological or other professional services to birth parents, children, or foster and adoptive parents, as necessary.

2. The agency shall not require clients to use medical, legal, psychological, psychiatric or other consultants used by the agency. The agency may use consultants and/or persons selected by agency clients. The agency can reserve the right to request a second opinion from a neutral source.

(B) Professional staff who perform social work tasks, counseling with children and their families, therapeutic services, or planning of services for children and their families, shall have a master's degree in social work, psychology, counseling or a closely related clinical field from an accredited college. Professional staff may have a bachelor's degree in social work, psychology, counseling or a related area of study from an accredited school if s/he is under the direct supervision of a qualified supervisor of placement services (13 CSR 40-73.035(3)).

(C) Full- or part-time professional staff including psychologists, psychiatrists, social workers, counselors, physicians, teachers and nurses, shall meet the licensing or certification requirements of their profession in Missouri.

(D) The agency shall designate a supervisor for professional staff when six (6) or more professional staff are employed. The supervisor shall have at least three (3) years clinical experience. Supervision of contracted employees shall constitute part of the supervisor's work load.

(5) Contracted Personnel.

(A) An agency assumes responsibility for work performed by a contracted person when such services are performed under the auspices of said agency.

(B) All official child placing activities and written documentation shall be processed through the child placing agency.

(C) All contracted personnel must meet the staff qualifications for the position they are being contracted to fill.

(D) Supervision of all contracted personnel must be provided by a qualified supervisor of placement services from that agency.

(E) A file shall be maintained for each contracted personnel which includes:

- 1. A copy of the signed contract;
- 2. Verification of education and experience;
- 3. Verification of character references from three (3) persons, unrelated to the staff member;
- 4. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;
- 5. A copy of the job description signed by the contractor;
- 6. Reports of initial and subsequent biennial physical examinations;
- 7. Results of annual checks of the Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks;
- 8. Copies of an annual performance evaluation;
- 9. Results of the annual criminal records check; and
- 10. Documentation of orientation and annual staff training.

(F) Caseload sizes shall be proportionate to the number of hours worked on a monthly basis.

(G) Contracted personnel shall not collect fees from clients unless authorized by the contract with the agency.

(6) Students.

(A) Graduate or undergraduate students in a field work placement at the agency shall be subject to the general personnel policies of the agency, but shall not be considered or used as substitutes for employed staff. A written plan for using students will include:

- 1. A plan for the selection, orientation, training, assignment and evaluation of students;
- 2. A description of what services the student is responsible for and what arrangement the agency has for supervising the students;
- 3. A signed statement of their understanding of confidentiality;
- 4. A copy of the written plan shall be given to each student, his/her school, and to the supervising staff members; and
- 5. A plan for coverage of caseload in students absence.

(7) Clerical Staff Shall Be Employed as Needed.

(A) Clerical staff shall not supervise or assist in the care of children without being qualified according to these rules.

(B) Clerical staff shall sign a statement of their understanding of confidentiality.

(8) An agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services. If an agency uses volunteers as part of its program of services, the agency shall have written policies which include:

- (A) A description of the agency's purposes and goals;
- (B) A job description for the director of volunteers and for each category of volunteers;
- (C) A differentiation of functions and activities appropriate for paid staff members and volunteers;
- (D) A process for screening and selecting volunteers, who have direct contact with children similar to that used for paid staff members;
- (E) A defined line of supervision, with written expectations of the supervisor and the volunteers;
- (F) Orientation and training in the volunteers' specified roles;
- (G) Procedures for monitoring and evaluating volunteer activities;
- (H) Maintaining a file for each volunteer, who works directly with children including applications, verification of CA/N CRU and criminal records checks, and task assignments and annual evaluations;
- (I) Procedures for observing professional ethics and confidentiality;
- (J) Procedures for reimbursement of travel and other expenses; and
- (K) Procedures for handling conflicts between paid staff members and volunteers.

(9) Cases to be counted in the agency caseload are—

- (A) Children in agency custody including children for whom any court jurisdiction has been entered who are still waiting a final order;
- (B) Children not in the custody of the agency, but who are being supervised in a foster or adoptive home, group home, or institution; and
- (C) The agency shall have at least one (1) professional staff for every—
 - 1. Twenty (20) children in alternative care;
 - 2. Thirty-five (35) children under post-placement supervision;
 - 3. Thirty (30) active adoptive or birth families; or
 - 4. A reasonable combination thereof.

*AUTHORITY: sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). *Original rule filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.040 Operational Requirements

PURPOSE: This rule sets forth the requirements for office space and equipment, fees

and fiscal practices, record maintenance, and extraordinary events.

(1) Office Space and Equipment.

(A) An agency shall provide a bona fide office physically located within the state of Missouri which is accessible to the public and appropriate for the administrative program and supportive services;

(B) An agency shall maintain sufficient space to provide for the confidentiality of client interviews;

(C) An agency shall have adequate staff for that office;

(D) An agency shall provide and maintain sufficient equipment and supplies to assure delivery of services;

(E) An agency shall have Missouri telephone service or a toll-free number and be listed in the local directory;

(F) An agency shall ensure that the office is a safe, well-maintained environment for both clients and employees; and

(G) An agency shall maintain adequate space to store all records of Missouri clients served in Missouri.

(2) Fees and Fiscal Practices.

(A) The agency shall prepare and maintain on file a written description of—

1. Policies describing financial responsibilities of the agency, the birth parent(s), and the adoptive parent(s), for the period prior to the placement of a child through the date that a decree of adoption is entered;

2. Procedures for the setting, collecting, waiving, nonpayment and refunding of fees, along with guidelines for exceptions to these policies and procedures; and

3. Policies regarding making refunds to an eligible client no more than thirty (30) calendar days after receipt of a written request for such refunds from an agency client.

(B) The agency shall prepare and maintain on file a written schedule of all fees in each case and provide a copy of the schedule to an agency client before service delivery begins. The client shall sign the schedule and a copy will be kept in each client's record.

(C) The agency shall identify in writing for the birth parent(s) and the adoptive parent(s), the anticipated services which they must obtain for themselves, which are not provided by the agency.

(D) If the agency uses a sliding fee scale or subsidies, actual costs and costs as determined by the sliding fee scale or subsidies shall be available upon request by legal or licensing authorities. Nothing herein shall be construed to prevent agencies from using sliding fee scales or subsidies.

(E) If the agency uses a schedule for payments, the agency shall provide the client(s) with written information concerning initial payments and frequency and conditions for subsequent payments.

(F) The financial policies and practices, general financial records, and financial records of individual placement cases shall be made available by the agency to the division upon request.

(G) The agency shall not consider the clients' willingness to donate money, goods or services or to participate in agency fundraising efforts in determining their eligibility for services.

(H) The agency shall provide equal access to services to all eligible clients without regard to actual or potential donations of money, goods, time or efforts.

(I) Adoption fees shall be reasonable and shall be established based on the cost of the individual adoption or based on the costs of the following services for the total adoption program:

1. Medical services to the birth mother and/or child;

2. Legal services for the placement and/or adoption of the child(ren);

3. Counseling services;

4. Family assessment services;

5. Child finding services;

6. Foster care services;

7. Pre- and post-placement social services;

8. Transportation;

9. Contracted services, if applicable;

and
10. Any other services as may be reasonably foreseeable.

(J) Client fees relative to the above service components shall be kept in a separate trust account until such services have been provided.

(3) Records.

(A) An agency shall maintain a register of all children currently placed in foster or adoptive homes including the child's name, sex, birthdate, dates of foster and adoptive placements, the person legally responsible for the child, and, if available a Social Security number.

(B) An agency shall record all case activities every thirty (30) days.

(C) Individual case records for all children placed in foster care shall be maintained for at least ten (10) years after the agency terminates service to the child.

(D) Adoption records shall be kept in a permanent file and shall not be destroyed.

(E) Missouri foster care and adoption records shall be kept and maintained in Missouri.

(F) Birth parent, child, and adoptive parent records shall be cross-referenced for identification purposes, in cases of adoption.

(G) The agency shall maintain permanent records for each adoptive family. The permanent record shall contain—

1. The adoptive family evaluation and supporting documents;

2. Copy of any written information given to adoptive parent(s) concerning the child;

3. Summaries of post-placement supervision and recommendations to the court;

4. Legal documents required for adoption;

5. Progress notes and/or counseling; and

6. Closing summary.

(H) The agency shall maintain a permanent adoption record of the child, which shall contain the following:

1. The child assessment summary as defined in 13 CSR 40-73.080(3)(A) and supporting documentation;

2. Summaries of post-placement supervision and recommendations to the court;

3. Legal documents required for adoption; and

4. Closing summary.

(I) The agency shall maintain a permanent birth parent(s) record(s), which shall contain the following:

1. The birth parent evaluation and supporting documentation;

2. All agreements signed by the birth parents;

3. Legal documents required for adoption;

4. Progress notes and/or counseling; and

5. Closing summary.

(J) An applicant for initial or continuing licensure must submit a written plan indicating how the agency will provide for the transfer of records on both open and closed cases to a licensed Missouri child placing agency if the agency closes.

1. Plans for the transfer of open cases and case records must specify arrangements the agency will make to transfer clients to another licensed agency for continuation of services and to transfer the case record with the client.

2. Plans for the transfer of closed adoption records must be accompanied by a signed agreement or other documentation indicating that a licensed child placing agency has agreed to accept and maintain the agency's closed case records and to provide followup services to affected clients.

(4) Extraordinary Events.

(A) The agency shall notify the division orally of any extraordinary changes or events within twenty-four (24) hours after the agency learns of their occurrence and shall submit written notification to the division within five (5) working days.

(B) This shall include, but not be limited to, the following:

1. Unanticipated permanent or temporary closing of the agency or any part thereof;
2. Any serious injury, endangerment or death of a child;
3. Any convictions of any staff member and volunteers involved in the agency, excluding minor traffic violations;
4. Legal action against the agency or a staff member which involves the operation of the agency or any child under the care of the agency, excluding any legal actions unrelated to agency business or child welfare;
5. Damage to agency facilities which substantially disrupts the program or the agency's accessibility to clients; or
6. Knowledge of any child placement by any other party which the agency has reason to believe is not permitted by law or by these rules.

(5) An agency that plans to place a child with an out-of-state family or to receive a child from out-of-state for placement within the state or supervise a Missouri family who relocates to another state shall notify the Interstate Compact Unit of the division and shall comply with applicable regulations governing child placement in both states.

(6) Prior to adoptive placement, an agency shall comply with the requirements of the Federal Indian Child Welfare Act for placement of Native American or Native Alaskan children.

(7) Prior to adoptive placement, an agency shall comply with the requirement of the Multi-Ethnic Placement Act.

*AUTHORITY sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). *Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. II, 1982. Amended: Filed Oct. 13, 1982, effective Jan. 13, 1983. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.050 Protection and Care of the Child

PURPOSE: This rule sets forth the provisions for protection of the child, including child abuse and/or neglect, exploitation, confidentiality, discipline and child management, clothing, family identity and relationships, religious requirements, and educational program.

(1) An agency shall make an oral report within twenty-four (24) hours to the division followed by a written report within five (5) working days after the occurrence of an unusual incident, such as the death or serious injury of a child, alleged child abuse or neglect, or both, a fire which required the services of the fire department or any time the agency has been served with any adverse legal action.

(A) Protecting the Child in Care—Child Abuse or Neglect (CA/N).

1. An agency shall have written procedures for any alleged incident of child abuse or neglect, or both, which shall include:
 - A. Reporting the alleged incident as required by the CA/N reporting law, sections 210.110–210.165, RSMo;
 - B. Conducting an internal investigation of the alleged incident; and
 - C. Providing a written report of the agency's internal investigation to the division licensing unit.
2. No person who is alleged as a perpetrator in an incident of child abuse or neglect, or both, shall have direct contact with child(ren) until an investigation is complete unless the administrator determines that the safety of the child(ren) is not threatened.
3. If the investigation determines reason to suspect child abuse or neglect, or both, the agency shall submit a written report to the licensing unit outlining corrective action taken by the agency. If the agency fails to take timely appropriate action to prevent future abuse or neglect, or both, the division may revoke the license.

(B) Exploitation of Children.

1. Exploitation of children shall be prohibited.
2. Exploitation of children shall include, but not be limited to, the use of a child or his/her picture or name for solicitation for funds or publicity or the use of a child to advance an agency's religious or political beliefs without the written consent of the child's parent(s), guardian or legal custodian and court order, if applicable.

(C) Confidentiality.

1. An agency shall have written procedures for the maintenance and security of client records. This shall include a staff review of the procedures for confidentiality and a signed statement indicating that staff have reviewed the procedures. The agency shall secure records against loss, tampering or unauthorized use by—

- A. Protection of the confidentiality of records when in use and keeping them under lock when not in use;
- B. Staff and professional consultants seeking access only to the records with which they are professionally involved;
- C. Staff not disclosing or permitting the disclosure of any information concerning the child or his/her family, directly or indirectly, to any unauthorized person; and
- D. Staff being informed of the requirement that they must observe the procedures for protecting confidentiality after termination of employment.

2. Records shall be made available to the division or its authorized and identified agents, either upon written or verbal request. This includes division staff who are involved in child abuse/neglect reporting/investigation.

3. A consent for release of information signed by the parent(s), guardian or legal custodian must be provided before records are released to any person other than those specified in these rules. The consent must specify what information may be released, to whom, for what purpose and for what period of time.

4. All requests for access to a child's records shall be documented in the record providing the name of the individual making the request, the date and the desired materials. If access was refused, the grounds for refusal shall be documented.

(D) Discipline and Child Management.

1. An agency shall have written policies regarding discipline and behavior management, which shall be explained and made available to a child's parent(s), guardian or legal custodian, or both, staff and to the child, if age appropriate.
2. The procedures shall be within each child's ability to understand and achieve.
3. The policies shall identify the type of children served, describe anticipated behavioral problems, set forth acceptable methods of dealing with the behaviors, and detail the required qualifications and training of foster parents. All discipline shall be consistent with the service plan developed for the child.
4. All discipline shall be reasonable and appropriate to the child's age and level of development. All discipline shall be limited to the least restrictive appropriate method and administered by appropriately trained care givers.

5. Encouragement and praise of good behavior shall be used instead of focusing on unacceptable behavior.

6. The agency shall have written policies and procedures prohibiting discipline which may adversely affect a child's health or physical or psychological well-being. The following forms of discipline shall not be used:

- A. Cruel or unusual punishment;
- B. Excessive or inappropriate work;
- C. Denial of meals, shelter, clothing essential personal daily needs and the program provided by the individual service plan;
- D. Verbal abuse, ridicule or humiliation;
- E. Permission for a child to discipline another child;
- F. Chemical restraints;
- G. Mechanical restraints;
- H. Denial of planned visits, telephone calls or mail contacts with family;
- I. The use of foods intended to produce an adverse reaction;
- J. Physical or emotional abuse;
- K. Confinement in any space not designed for detainment of human beings; or for long periods of time;
- L. Requirement that a child remain silent for long periods of time or other unreasonable verbal restrictions;
- M. Corporal punishment including, but not limited to slapping, hitting, spanking, paddling, shaking, belting, or marching;
- N. Standing rigidly in one (1) spot or use of excessive physical exercises such as running laps or doing push-ups or any method which harms or endangers the child;
- O. Locked isolation for the purpose of discipline;
- P. Denial of opportunity for a minimum of eight (8) hours of sleep in a twenty-four (24)-hour period; and
- Q. Withholding of meals, mail, allowances or family visits.

7. The agency shall assure that children are appropriately supervised while in care.

(E) Clothing.

1. An agency shall establish minimum clothing requirements for each child in care.

2. An agency shall assure that clothes are provided to each child. Clothes shall be individually selected and fitted, appropriate to the season and kept in a state of good repair and cleanliness. Each child's clothing shall be identified as his/her own.

3. An agency shall assure shoes are provided to each child which shall be kept in good repair.

4. When possible, children shall be permitted to participate in the selection and purchase of their own clothing.

5. Donated clothing shall be used only if it is in good condition.

6. Possessions and clothing belonging to a child while in residence shall be released to him/her upon discharge.

(F) Family Identity and Relationships.

1. An agency shall develop written visitation policies.

2. An agency shall encourage and support contacts between a child and his/her family while the child is in care, unless the rights of the parent(s) to contact the child have been terminated, restricted by court order or limited by parent. The frequency of contact shall be determined by the child's parent(s), guardian or legal custodian in consultation with agency staff. An agency shall enable the family to visit and remain involved in their child's care as well as actively participate in relationship building.

3. Privacy shall be provided for visits with family members, relatives and friends, for telephone calls and for written communications unless otherwise indicated by the service plan.

4. Flexible visiting hours shall be provided for the parent(s) or legal guardian.

(G) Religious Requirements.

1. Upon admission, an agency shall provide a written description of the agency's religious requirements and practices, which shall be made available to the parent(s), guardian or legal custodian, and, when appropriate, to the child.

2. If the agency requires mandatory religious observance or mandatory church attendance, consent of the parent(s), or guardian or legal custodian, or both, shall be obtained and explained to the child upon admission.

3. Opportunity for religious experience and attendance at religious activities and services shall be made available to each child within the religious preference of his/her family and in agreement with any service plan.

4. The child's parent(s), guardian, or legal custodian shall provide written authorization regarding any change in religious affiliation by the child while s/he is in care.

(H) Educational Program. The administrator shall be responsible for ensuring compliance with Missouri statutes pertaining to the child(ren)'s education.

1. An agency shall not admit a child unless an educational program appropriate to the child's need can be obtained.

2. The educational progress of a child shall be continually evaluated and the progress shall be included in the child's three (3)-month service plan review according to 13 CSR 40-73.075(2)(A).

3. Children excluded from school shall be provided education, training or work experience consistent with their needs and abilities.

4. An agency shall maintain contact and cooperation with a child's school system to provide a coordinated approach to meeting the educational needs of each child.

5. An agency shall provide appropriate space, adequate lighting, supervision for quiet study after school hours and access to reference materials and school supplies.

6. Children shall be permitted and encouraged to participate in extracurricular activities such as sports, art and music, to the extent of their interests, abilities and talents.

AUTHORITY sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Amended: Filed Oct. 13, 1982, effective Jan. 13, 1983. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.

**Original authority: Please see the Missouri Revised 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.055 Health Care

PURPOSE: This rule sets forth the procedures for health care, emergency medical care, dental care, psychiatric and psychological care, and medicine and drugs.

(1) Health Care Procedure.

(A) The agency shall have a written health care plan which shall address preventive medical, eye, hearing and dental care for any child(ren) in the custody of the agency.

(B) The agency's health care plan shall include examinations upon entering agency care, subsequent examinations, nursing care, first-aid procedures, dispensing of medicine and basic remedial treatment and the training of basic principles of communicable disease prevention.

(C) The agency shall obtain written authorization for each child from the parent(s), guardian or legal custodian for emergency medical care, emergency surgical care, necessary immunizations and general medical care upon entering care.

(D) A complete physical examination by a licensed physician, a certified nurse practitioner, advanced practice nurse in a collaborative agreement with a licensed physician or a registered nurse who is under the supervision of a licensed physician shall be given to each child under the age of three (3) within seventy-two (72) hours after entering care, unless being discharged directly from a medical facility. For any child over age three (3)

the physical examination shall be given within thirty (30) days prior to placement, or within seventy-two (72) hours after entering care. The findings of the examination shall be recorded on a form prescribed by the division, or one containing the equivalent information. Children shall otherwise receive medical examinations in accordance to the periodicity of the Missouri Medicaid Healthy Children and Youth Schedule for Physical and Developmental Examinations available through the division.

(E) If a child shows overt signs of highly infectious disease or other evidence of ill health, the agency shall make arrangements for an immediate examination by a licensed physician.

(F) Any child who has not received primary immunizations prior to placement shall be immunized according to the Department of Health's current guidelines.

(G) A current immunization history shall be maintained for each child.

(H) Booster shots shall be administered to children as needed, and at time intervals recommended by the agency physician or by the Department of Health's current guidelines.

(I) Each child under twelve (12) years of age shall be given an annual eye examination. Children twelve (12) years of age and older shall be given an eye examination on an as-needed basis. Corrective treatment shall be provided as prescribed.

(J) Upon discharge, a copy or summary of the child's health and dental records shall be provided to the person or agency responsible for the future planning or care of the child.

(2) Emergency Medical Procedure.

(A) At least one (1) foster care provider shall be qualified/certified to administer first aid, including cardiopulmonary resuscitation (CPR).

(B) A first-aid kit shall be readily available.

(C) Authorization for nonemergency surgery, even though provided before admission, shall be used only when the parent(s), guardian or legal custodian is unavailable to reaffirm the authorization.

(D) An agency shall contact a child's parent(s), guardian or legal custodian within twenty-four (24) hours when a serious illness, a serious injury or hospitalization of the child occurs.

(E) In the event of the death of a child, the parent(s), guardian or legal custodian and the division shall be notified immediately.

(3) Dental Care.

(A) An agency shall provide for annual dental examinations, and for reexaminations and treatment, as necessary.

(B) Upon transfer of the child, a copy or summary of the child's dental record shall be provided to the person or agency responsible for the future planning for the child.

(4) Psychiatric and Psychological Care.

(A) When the agency's service plan for a child indicates a need for professional care by a psychiatrist or a psychologist, the specialized treatment shall be provided, or arranged for, by the agency.

(B) Psychiatrists and psychologists shall be appropriately qualified, certified and/or licensed as appropriate to the nature of the service.

(5) Medicine and Drugs.

(A) All medication shall be prescribed by a licensed physician.

(B) All medicine and drugs shall be kept in a safe place and shall only be accessible to and dispensed by the care giver.

(C) All medication shall be labeled to indicate the name of the child, the type and dosage of medication and shall be dated.

(D) Medication prescribed for one (1) child shall not be administered to another.

(E) No child shall self-administer medication unless the practice is approved by a licensed physician, or a registered nurse with approval of a licensed physician, and the administrator. The approval shall be documented in the child's medication record and social service plan.

(F) When medications which are approved by a physician's order are prescribed, continued, discontinued or changed, an entry shall be made in the child's records. Entries shall be evaluated at least every sixty (60) days to determine if medication shall be continued, discontinued or changed.

(G) When medications are discontinued, they shall be destroyed.

(H) Upon transfer of a child, medications which are prescribed shall be provided to the person responsible for the future planning or care of the child.

(6) All dietary changes for children under one (1) year should be approved by a licensed physician.

*AUTHORITY: sections 210.481-210.536, RSMo (1994) and (Cum. Supp. 1996). *Original rule filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.060 Recommendation for Foster Homes Licensing

PURPOSE: This rule sets forth the requirements for an agency to recommend foster home rules for licensure, relicensure, revocation and procedures for the handling of complaints.

(1) Initial Procedure.

(A) Prior to being licensed to recommend foster homes for licensure an agency shall—

1. Comply with rules as set forth by the division and demonstrate intent to comply with those rules where compliance can only be demonstrated after the agency has initiated operations;

2. Have a written statement of requirements for foster parent(s). These requirements shall be in compliance with foster home rules, 13 CSR 40-60.010 through 13 CSR 40-60.060 as set forth by the division; and

3. Have written procedures for processing foster home inquiries and applications.

(2) Recommendation of Foster Homes.

(A) Licensing recommendations shall be submitted to the division on forms provided or approved by the division and in the manner prescribed by the division.

(B) An agency shall ensure that foster parent(s) are in compliance with these rules and foster home rules, 13 CSR 40-60.010 through 13 CSR 40-60.060.

(3) Foster Parent Qualifications.

(A) Applicants for foster parents must be at least twenty-one (21) years of age.

(B) Foster parents shall be responsible, mature individuals of reputable character, who exercise sound judgment, display the capacity to provide good care for children, and display the motivation to foster parent.

(4) Foster Parent Training.

(A) An agency shall establish and submit to the licensing unit an annual written plan for all foster parent training.

(B) All foster parents shall receive twelve (12) hours of pre-service training prior to licensure.

(C) When applicable, agencies may utilize division foster family training.

(D) A minimum of ten (10) additional hours in-service training per year is required.

(5) Foster Family Services.

(A) Before services are provided, the agency shall provide orientation to prospective foster parents to acquaint them with the agency's policies and practices, grievance procedures, the approximate time the assessment

will take, eligibility standards, and the types of children available so as to enable them to make an informed decision to proceed.

(B) An agency shall make available to prospective foster parents a verbal explanation of and a written agreement with the agency, describing specific services to be provided, reimbursement rates, and, rights and responsibilities of both parties. Said explanation and agreement shall include the following, if applicable:

1. Room and board payments;
2. Physician's expenses;
3. Hospital and other medical expenses;
4. Counseling services;
5. Transportation;
6. Contracted services, if applicable;

and

7. Any other services as may be reasonably foreseeable.

(C) A written description of the foster care program will be provided to applicants upon request.

(6) Foster Family Assessment.

(A) The agency shall complete a foster family assessment of each eligible foster family prior to the placement of a child in the home.

1. The family assessment process shall consist of—

A. An individual interview with each applicant;

B. A joint interview with co-applicants;

C. Interviews with all members of the applicants' household; and

D. A visit to the residence of the applicant(s) which includes a complete inspection of the home.

2. The written family assessment shall include:

A. Identifying information on each member of the household including:

(I) Full name, including maiden if applicable;

(II) Current address and phone number, and previous addresses if less than five (5) years at current address;

(III) Date and place of birth;

(IV) Citizenship;

(V) Social Security number;

(VI) Race and ethnic background;

(VII) Religion, if applicable;

(VIII) Veteran's status, if applicable;

and

(IX) Education;

(X) Occupational history, place of employment, address and telephone numbers;

(XI) Any children not in the home;

and

(XII) Physical description;

B. A social history on each applicant which shall include:

(I) Description of the applicant's family of origin, including type of family structure, values, child rearing, relationships past and present and discipline methods. If the family of origin was dysfunctional (for example, alcoholism, abuse) describe how the applicant has coped with the issues in his/her adult life;

(II) Educational history;

(III) Marital history and evaluation;

(IV) Interests and hobbies;

(V) Physical and mental health history including psychiatric, alcohol and drug use;

(VI) Applicant's personality, strengths and weaknesses, emotional stability and maturity; and

(VII) Religious beliefs and practices;

C. An assessment on the applicant(s) which includes:

(I) Motivation to foster parent;

(II) Awareness of foster parenting issues such as talking to the child about his/her foster care status, grief and loss, the goal of foster care and the foster parent role in that process;

(III) Applicant's readiness to seek family counseling, if needed;

(IV) For special needs foster parenting, awareness of the child's special needs and appropriate ways to meet those needs;

(V) For trans-racial or trans-cultural foster parenting, the applicant's awareness of and sensitivity to differences, how they plan to impact a positive identity and expose the child to his/her ethnic heritage;

(VI) Philosophies on child-rearing and discipline; agreement that corporal punishment is unacceptable;

(VII) Attitudes and acceptance of foster parenting by other family members and friends;

(VIII) Location and description of physical residence, including type of community and school district available;

(IX) If the family contains a school age child(ren), reports from school personnel regarding school adjustment;

(X) Child care arrangements, if applicable;

(XI) Description of children and background factors the applicants can accept;

(XII) Financial status and management;

(XIII) A history of all previous contacts with the applicants; and

(XIV) The applicant's previous history/experience with other agencies, if applicable;

D. Supplemental documentation shall include:

(I) A total of no less than six (6) reference letters; employment (for the last five (5) years), one (1) relative, and four (4) nonrelated personal references, one of whom could be the applicant's clergyperson;

(II) Child abuse and neglect background screening check Child Abuse and Neglect Central Registry Unit (CA/N CRU), no more than one (1)-year old;

(III) Criminal arrest records from a state law enforcement agency;

(IV) Criminal conviction records from a state law enforcement agency;

(V) Any findings on child abuse or criminal records shall be followed up by requesting a copy of the child abuse investigation report or the police report;

(VI) Written medical reports on all members of the household;

(VII) Verifications of marriage(s) and divorces, if applicable;

(VIII) Written documentation of income and financial resources, including a copy of the latest Federal Income Tax 1040 form verifying adjusted gross income;

(IX) Other family assessments and recommendations, if applicable; and

(X) Birth and death certificates; and

E. Impressions including a recommendation by the agency of the age, sex, or type of child(ren) that could best be served by the applicants.

(7) Renewal of Foster Home License.

(A) A minimum of one (1)-home visit per year should be made to the foster home.

(B) Updated foster family assessments should be completed biennially. An update should also be completed if there is a significant change in the family situation (for example, job change, address change). An assessment shall include at a minimum:

1. One (1) or more interviews with all members of the family;

2. Medical reports on all household members;

3. CA/N reports on all adults completed within the last thirty (30) days;

4. Arrest record check completed within the last thirty (30) days;

5. Evaluation of any previous placements; and

6. Continued compliance with the foster home rules, 13 CSR 40-60.010 through 13 CSR 40-60.060, and rules as set forth by the division.

(C) Prior to recommending a foster home for relicensure, an agency shall document the updated family assessment in the foster home case record.

(D) The agency will submit all necessary relicensure forms to the division at least ten (10) days prior to the expiration of the current license.

(8) Foster Home Licensing Violations.

(A) When an agency receives a complaint which may indicate possible violations of the foster home licensing rules, an agency shall—

1. Conduct an internal investigation to determine compliance with applicable rules; and

2. Submit a written report of the investigation within five (5) working days to the licensing unit of the division, including a recommendation regarding the licensure of the foster home.

(B) Denial, Revocation and Suspension.

1. When an agency recommends that a foster home license be denied, revoked or suspended, the following documents shall be submitted to the division:

A. A copy of the investigation conducted by the agency;

B. Recommendation of the agency; and

C. Other appropriate documents supporting the results of the investigation.

2. This information shall be submitted to the licensing unit within five (5) working days of the decision to recommend denial, revocation or suspension.

(C) After an evaluation of the recommendation to deny, suspend, or revoke a license, and an evaluation of the documents provided by an agency, the division may take any or all of the following actions:

1. Request additional information or documentation;

2. Deny, suspend, or revoke the license of a foster home;

3. Issue a conditional license; or

4. Deny the recommendation of the agency.

(D) License Denial or Revocation.

1. The division shall provide written notice of denial or revocation of licensure to the agency and the foster home within ten (10) working days. Upon receipt of the notice of revocation or denial of licensure, the agency shall provide other living arrangements for any child(ren) in the foster home immediately.

2. The denial or revocation of licensure shall be effective immediately unless the order of denial or revocation is stayed by an appropriate administrative or judicial order.

3. The agency or foster parent(s) may appeal the decision of the division to deny or revoke licensure by filing a request for hearing with the division within ten (10) calendar days after receipt of the notice of denial or revocation of licensure.

4. Any person aggrieved by a final decision of the division with regard to the denial or revocation of licensure shall be entitled to a hearing and review by the director or his/her designee as provided by section 210.526, RSMo.

(E) License Suspension.

1. The division shall have the authority to suspend the license of a foster home when necessary to protect the health and welfare of children.

2. The division shall provide written notice of the suspension and the reason(s) for the suspension to the agency and the foster home within ten (10) working days. Upon receipt of notice of suspension, the foster home shall immediately cease operation, pending the review.

3. When the division suspends the license of a foster home, the suspension shall be for a period of time not to exceed thirty (30) working days, or until there is a review and decision by the director, whichever is first.

4. The agency and/or the foster parent(s) may appeal the decision of the division to suspend the license by requesting within five (5) days of the notice of suspension, a review by the division director or his/her designee. The review shall be conducted no later than five (5) working days following receipt of the request for review. The agency and/or the foster parent(s) may be assisted by an attorney or other person in presenting their case for review.

(F) Change in Licensing Status. The agency shall notify the division within five (5) working days of any change in address or status for any foster home.

*AUTHORITY sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). *Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976, Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.070 Placement of Children in Foster Family Homes

PURPOSE: This rule sets forth the requirements for an agency to place children in foster care.

(1) Initial Procedure.

(A) Prior to being licensed to receive children for placement in foster care, an agency shall—

1. Comply with rules 13 CSR 40-73.010 to 13 CSR 40-73.030 as set forth by the division or demonstrate intent to comply with those rules where compliance can only be demonstrated after the agency has initiated operations; and

2. Have a current written program statement which includes the types of foster care provided, the types of services provided to the children, their families, and their foster families, and which shall be available to agency foster parent(s), parent(s), and referring agencies.

(B) An agency shall place a child only in a licensed foster home, within the terms of the license.

(2) If an agency places a child in a home recommended for licensure through another agency, there shall be a written agreement for each child, and the placement shall be within the terms of the current foster home license.

(3) An agency shall have a signed written agreement for each child placed, outlining the expectations and responsibilities of both the agency and the foster parent(s) regarding the operation of the home, the social services to be provided, the financial arrangement, and the authority the foster parent(s) can exercise for the children placed in their home.

(4) Pre-Placement Assessment.

(A) An agency shall complete a pre-placement assessment to determine that removal from a child's home is necessary.

(B) The pre-placement assessment shall document whether social services were offered or provided a child and his/her family and whether alternatives to placement were explored.

(5) Preparing the Child for Placement.

(A) Except in emergency placements, an agency shall arrange for one (1) or more pre-placement visits by the child, when indicated and possible.

(B) Preparation for placement shall be appropriate to the child's age, individual needs, and circumstances necessitating placement.

(C) An agency shall document the following in each child's case record:

1. That placement counseling has been provided for each child; and

2. The reason(s) placing the child with a foster family is in the child's best interest.

(D) The agency shall make reasonable efforts to place siblings together. When sibling placement is not a possibility the agency shall document—

1. Efforts made to place siblings together; or

2. Reasons that sibling placement is not in the child(ren)'s best interest.

(E) The agency shall make reasonable efforts to place in a foster home of similar racial or cultural background in compliance with Multi-Ethnic Placement Act (MEPA). When such placement is not a possibility the agency shall document—

1. Efforts made to locate such a home; and

2. Reasons why such a resource/place-ment is not possible/available.

(F) When more than one (1) agency is involved in a placement, both agencies shall share information and reach a mutual decision on the services to be provided.

(G) The agency shall provide the following information to foster parent(s) maintaining confidentiality:

1. Written history of the child including developmental and medical history;

2. Reason(s) the parent(s) made a foster plan; and

3. A synopsis of any professional evaluation and treatment recommendations for the child (for example, medical, educational, dental, psychological, psychiatric, etc.).

(6) At the time of initial placement into foster care and continuously thereafter, an agency shall maintain in the child's case record documentation of the agency's legal right to provide for the care of the child. This may be a court order or a signed agreement by the parent(s) or referring agency.

AUTHORITY sections 210.481–210.536, RSMo 1994 and Supp. 1996. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Amended: Filed Oct. 13, 1982, effective Jan. 13, 1983. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.075 Foster Care Services

PURPOSE: This rule sets forth the provisions for placement records, service plan, educa-

tion, family relationships and visitation, agency supervision, termination of foster care, and birth parent case records.

(1) Placement Records.

(A) Within five (5) working days after the initial placement, the following shall be documented in the child's record:

1. The circumstances leading to the need for foster care; and

2. Previous out-of-home placements.

(B) Within five (5) working days after initial placement, the following shall be documented on a face sheet in the child's record:

1. Name, birthdate, sex, race, Social Security number, and other identifying physical information;

2. Date of placement;

3. Name, address, birthdate, race, sex, Social Security number and marital status of parent(s);

4. Name and address of legal guardian or custodian, if any;

5. Name(s) and whereabouts of sibling(s);

6. Religious preference of the child's family;

7. Name and location of foster parent(s); and

8. The social worker(s) assigned to the child and parent(s).

(C) A preliminary written service plan must be developed and documented in the child's record within seventy-two (72) hours of admission.

(D) If the child remains in care beyond an initial thirty (30)-day plan, the written service plan must be modified to indicate the need for continued placement.

(E) The plan must be based on the admission assessment and observations of the child's adjustment into care. The service plan must identify and include:

1. The child's needs in addition to basic needs for food, shelter, clothing, routine care and supervision;

2. Specific strategies and their frequencies to meet the child's needs, including instructions to foster parents;

3. Specific strategies and frequencies for family involvement, including a defined plan for visitation and engaging the family in services for the child;

4. The estimated length of stay;

5. Time limited goals and preliminary plans or discharge, including plans for reintegration into family and community;

6. The person(s) responsible for providing each service;

7. The initial educational plan for the child; and

8. The date and signatures of all participants involved in the service plan including the parents and child, if applicable.

(F) If the only reason for foster placement is to place the child in a neutral setting prior to adoptive placement, the service plan requirement will be waived.

(2) Service Plan.

(A) The progress of a child and his/her family shall be evaluated at least every three (3) months, and the service plan shall be modified when appropriate. Evaluations shall be made by professional staff in consultation with foster parents, schools, medical practitioners, psychiatrists, psychologists, or others who have significant contact with the child(ren) or parent(s) and copies shall be provided to the parent(s), guardian and, if appropriate, the child.

(B) Written documentation of the service plan review shall be kept in the child's record.

(3) Education.

(A) The agency shall be responsible for determining that the educational needs of each child in placement are met.

(B) An agency shall not place a child unless an educational program appropriate to the child's needs can be provided.

(C) An agency shall ensure that all educational programs are in accordance with Missouri law.

(D) The educational progress of a child shall be continually evaluated and such progress shall be included in the child's three (3)-month service plan review according to 13 CSR 40-73.075(2)(A).

(E) Children excluded from school, or who are unable to benefit from usual school attendance, shall be provided education, training, or work experience consistent with their needs and abilities.

(F) A foster home shall provide appropriate space and supervision for quiet study after school hours, and shall ensure that a child has access to sufficient reference materials and school supplies.

(4) Family Relationships and Visitation.

(A) An agency shall develop written visitation policies which shall allow visits between parent(s) and children unless parental rights have been terminated or visits are prohibited by court order.

(B) Reasonable privacy shall be provided for visits with family members, relatives and friends, for telephone calls and for written communications.

(C) If visitation is permitted, flexible visiting hours shall be provided for parent(s) who are unable to visit at designated times.

(5) Agency Supervision.

(A) Each child in care and the foster parent(s) shall be visited as often as is necessary to support the placement, but at least once a month. Documentation of supervisory visits shall be placed in the child's record and shall include information on the child's adjustment and development.

(B) At least one (1) visit each quarter shall be made in the foster home.

(C) A chronological record, noting significant events and contacts with the child and documentation of supervisory visits shall be provided by the agency.

(6) Termination of Parental Rights. When all efforts to restore a child to his/her family have failed, an agency shall initiate action to terminate parental rights.

(7) Termination of Foster Care.

(A) When foster care is terminated, an agency shall complete a written discharge summary within thirty (30) days of the date of termination of care. This summary shall be included in the child's case record, and shall include:

1. The name, address, telephone number and relationship of the person to whom the child is transferred or released;
2. A summary of services provided during care;
3. A summary of growth and accomplishments during care;
4. The assessed needs which remain to be met and alternate service possibilities which might meet those needs; and
5. A statement of an aftercare plan and identification of the person or agency responsible for follow-up services and aftercare.

(B) A copy of the discharge summary, or a summary of the services provided should be made available to the person or agency responsible for the future planning or care of the child, upon request.

(8) Birth Parent(s) Case Record. A record shall be maintained for the birth parent(s) of children in foster care which shall include:

(A) Names, addresses, home telephone numbers, and addresses and telephone numbers where the parent(s) can be contacted at any time;

(B) A record of all efforts put forth by the parent(s) to keep the child(ren) in their own home;

(C) The reason(s) why foster care was necessary to ensure the safety and welfare of the child;

(D) A signed agreement, including financial arrangements, for voluntary placements;

(E) Conditions for the return of the child(ren) to the home;

(F) A chronological record noting significant events and contacts with the child(ren), parent(s) and foster parents;

(G) A written summary of visits between the parent(s) and child(ren); and

(H) A closing summary.

AUTHORITY: sections 210.481–210.536, RSMo 1994 and Supp. 1996. Original rule filed Feb. 6, 1997, effective July 30, 1997.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 40-73.080 Adoption Services

PURPOSE: Except as otherwise expressly set forth in this rule, this rule applies to child placing agencies licensed pursuant to sections 210.481 to 210.536, RSMo Supp. 1997 and to intermediaries as defined in section 453.014, RSMo (includes attorneys licensed pursuant to Chapter 484, RSMo; physicians licensed pursuant to Chapter 334, RSMo; or clergyman of the parents) and who, in the absence of a child placing agency representing the child, place a child outside the home of the child's parent(s) or guardian, or who advertise or hold themselves out as performing such services (collectively), "adoption intermediaries." This rule sets forth rules relating to birth parents, pre-placement and placement services to the child, adoptive family services, placement services, post-placement services to the family, adoption disruption services, and international placements. Only those rules which specify adoption intermediaries apply to adoption intermediaries. All rules apply to child placing agencies.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) General Program Requirements.

(A) A child placing agency shall maintain and make available to its clients information on resources in the community which may be of use to foster or adoptive parents, birth parents, children and adult adoptees.

(B) A child placing agency shall ensure access to its services by eligible persons with disabilities.

(C) A child placing agency shall maintain and keep on file a grievance procedure for clients.

(D) A child placing agency or adoption intermediary shall be in compliance with all applicable laws including Interstate Compact on the Placement of Children (ICPC), Interstate Compact on Adoption and Medical Assistance (ICAMA), and Indian Child Welfare Act (ICWA).

(2) Services to Birth Parents.

(A) Before services are provided an agency shall provide a written description of its current program for birth parents, including information on the agency's services, options available for birth parents and the adoption process.

(B) Before financial liability is incurred or care of the child is transferred by power of attorney or court order, an agency shall make available to birth parents a verbal explanation of and a written agreement with the agency, describing specific services to be provided, fees to be charged, and rights and responsibilities of both parties.

(C) When a child placing agency or adoption intermediary accepts or obtains the waiver of necessity of consent to future adoption or consent to termination of parental rights of a child, it can do so only after determining that the birth parents or legal guardians are not acting under duress. (Specifically, this waiver of consent may be taken on the "Consent to Termination of Parental Rights and Consent to Adoption" form developed by and made available through the local County Office of the Division of Family Services, or State Office of the Division of Family Services, P.O. Box 88, Jefferson City, MO 65103, or the Court.)

1. The birth parent(s) shall not be required to sign a statement committing him/her to any definite plan for the unborn child in order to obtain services from the agency.

2. The birth parent(s) shall not be required to waive the necessity of consent to future adoption or to consent to termination of parental rights for a child for adoption in order to receive medical services, maternity or residential care, or any other agency service.

3. A child placing agency that directly provides residential care, foster home care and/or maternity home services to clients shall ensure that such facilities and/or homes meet applicable state licensing, certification or local zoning requirements.

4. The birth mother shall be encouraged to identify all possible birth and/or legal fathers and reasonable efforts shall be made to locate them.

5. All birth and legal parents shall be informed of their options including parenting or making an adoption plan.

6. Appropriate legal authorities shall be notified when a birth parent is a minor or incompetent so that a guardian *ad litem* can be appointed as required by Chapter 453, RSMo.

7. Before placement of a child, it shall be documented that the birth parents were—

A. Offered counseling by a child placing agency that fully explores alternative plans for the child, including, but not limited to, temporary foster care, day care and care by relatives;

B. Informed by the child placing agency or adoption intermediary that their decision must be free, knowing, and voluntary regardless of their age;

C. Prepared by the child placing agency, along with the child, for placement and separation;

D. Referred to other community resources when the agency cannot provide needed services;

E. Informed of the existing laws regarding contact and disclosure of information;

F. Asked to submit complete medical and social information on forms prescribed or approved by the division (birth parent, social and medical history); and

G. Asked to update and submit to the agency changes of address(es) and/or any significant medical information now and in the future.

8. A child placing agency and, as applicable, the adoption intermediary shall explain the significance of placement to the birth and legal parents and document acknowledgment of said explanations and take appropriate actions including the following:

A. The full terms of this understanding shall be delineated in writing, signed and dated by the birth parent(s) and agency, if applicable, and maintained on file;

B. The birth parent(s) shall be given the opportunity to state any preferences that s/he may have affecting the selection of the adoptive family;

C. A child placing agency or adoption intermediary shall act in the best interests of the child in recommending the adoptive family;

D. A child placing agency or the adoption intermediary shall not take a waiver of necessity of consent to future adoption, consent to termination of parental rights or Consent to Adoption before allowed by statute; and

E. A child placing agency or the adoption intermediary shall document those

parents who cannot read, fully understand the meaning of waiver of necessity of consent to future adoption or consent to termination of parental rights.

9. While the parent(s) has the legal right to resume custody, a child placing agency shall not delay returning a child solely because the parent(s) is unable to pay medical and/or other fees.

10. A child placing agency shall request the court to take appropriate action as necessary for the protection of the child.

11. After the child is placed for adoption, a child placing agency shall provide post-placement supportive services to the birth parent(s) to help them adjust to the placement and to deal with any concerns, including at least one (1) in-person contact if requested by the parent.

(3) Pre-Placement and Placement Services to the Child.

(A) Prior to adoptive placement, a comprehensive and documented assessment, as required pursuant to section 453.026, RSMo, of each child's medical, psychological and social development shall be completed on an age-appropriate basis by or at the direction of a child placing agency or adoption intermediary. In preparing this assessment, the agency or adoption intermediary shall have the duty to inquire and obtain reports and information into the following matters concerning the prospective adoptive child, if such report or information is appropriate given the age of the child:

1. A medical examination of the child within a reasonable period of time prior to placement, meaning at least within thirty (30) days prior to, or ten (10) days after, adoptive placement;

2. Medical, social and cultural/ethnic background information about the child's birth family;

3. Information on previous alternative care or adoptive placements, if applicable;

4. Any specialized evaluations, if applicable;

5. Assessment of the child's needs by one who is authorized to make such an assessment under section 453.070.2, RSMo;

6. The child's involvement in the adoption or reason(s) for not involving the child;

7. An evaluation of the feasibility of placement with birth sibling(s);

8. Developmental history of the prospective adoptive child—

A. Birth and health history;

B. Early development—

(I) Locomotor;

(II) Developmental milestones;

(III) Feeding;

(IV) Sleeping; and

(V) Temperament;

C. Current development;

D. A written synopsis of any professional evaluation and treatment recommendations for the child, including medical, educational, dental, psychological, psychiatric, etc.;

E. Child's experiences—

(I) Maternal attitudes during pregnancy and early infancy including prenatal care and drug usage;

(II) Continuity of parental care and affection;

(III) Foster care placements;

(IV) Separation and attachment issues; and

(V) Any history of abuse or neglect; and

F. Language skills or education; and

9. Compliance with ICWA.

(B) A child placing agency that is unable to locate an appropriate adoptive family within ninety (90) calendar days of the date the child was legally freed for adoption shall—

1. Refer the child to the Adoption Resource Exchange, or any successor statewide exchange;

2. Refer the child to an interstate or national adoption exchange; and

3. A child placing agency may refer a child to any adoption exchange(s) earlier than is required.

(C) A child placing agency placing a special needs child shall document its efforts to facilitate an adoptive placement.

(D) Preparation for adoptive placement shall be done in cooperation with the primary caregiver to supply the adoptive family with all necessary social, physical, and developmental background.

1. The placement should include the temporary caregiver(s) in a meeting with the adoptive family.

2. Pre-placement visits should take place in length and frequency that is appropriate to the child's age, his/her needs and response and adjustment to the new family.

(E) For children over thirty-six (36) months, preparation for adoptive placement should include the primary caregiver(s) and private interviews with the child to discuss the placement plan, as age and developmentally appropriate.

1. The child's understanding of and response to these pre-placement interviews shall be documented in the record.

2. Counseling should include exploration of the child's understanding of what is taking place and the child's feelings about adoption and separation and loss.

(F) The pre-placement services shall be recorded in the child's record.

(4) Adoptive Family Services.

(A) Before services are provided, a child placing agency shall provide orientation to prospective adoptive parents to acquaint them with the agency's policies and practices, fee schedules, grievance procedures, the approximate time the assessment will take, eligibility standards, adoption risk issues, availability of subsidy for special needs children and the types of children available so as to enable them to make an informed decision to proceed.

(B) A child placing agency shall make available to prospective adoptive parents a verbal explanation of and a written agreement with the agency, describing specific services to be provided, fee ranges, and rights and responsibilities of both parties. Said explanation and agreement shall include the following, if applicable:

1. Physician's expenses;
2. Hospital and other medical expenses;
3. Court costs and fees for legal services;
4. Agency fees or expenses—
 - A. Counseling services;
 - B. Family assessment services;
 - C. Birth parent services;
 - D. Foster care services;
 - E. Pre- and post-placement social services;
 - F. Transportation;
 - G. Contracted services, if applicable;
 - H. Any other services as may be reasonably foreseeable; and
 - I. Child finding services.

(C) A written description of the adoption program shall be provided to applicants upon request.

(D) A child placing agency or adoption intermediary shall complete, or cause to be completed, an adoptive family assessment of each eligible adoptive family prior to the placement of a child in the home. This assessment shall be completed by a person or agency as stipulated in section 453.070.2, RSMo.

1. The family assessment process shall consist of—

- A. An individual interview with each applicant;
- B. A joint interview with co-applicants;
- C. Confidential interviews, with all members of the applicants' household, as age appropriate; and
- D. A visit to the residence of the applicant(s) which includes a complete inspection of the home.

2. The family assessment process shall include a minimum of at least two (2) separate visits on nonconsecutive days.

3. The written family assessment shall include:

A. Identifying information on each member of the household including:

- (I) Full name(s), including maiden and aliases, if applicable;
- (II) Current address and phone number; and previous addresses if less than five (5) years at current address;
- (III) Date and place of birth;
- (IV) Citizenship;
- (V) Social Security number;
- (VI) Race and ethnic background;
- (VII) Religion, if applicable;
- (VIII) Veteran's status, if applicable;
- (IX) Education;
- (X) Place of employment, address and telephone numbers;
- (XI) Any children, including those not in the home; and
- (XII) Physical description;

B. A social history on each applicant which shall include:

- (I) Description of the applicant's family of origin, including type of family structure, values, child rearing, relationships past and present and discipline methods. If the family of origin was dysfunctional (for example, alcoholism, abuse) describe how the applicant has coped with the issues in his/her adult life;
- (II) Educational and occupational history including current employment;
- (III) Marital history and current relationships;
- (IV) Interests and hobbies;
- (V) Physical and mental health history including psychiatric treatment, if any, and extent of alcohol and drug use;
- (VI) Applicant's personality, including applicant's perceived strengths and weaknesses, emotional stability and maturity; and
- (VII) Religious beliefs and practices;

C. Parenting background of the applicant(s) which shall include:

- (I) Motivation to adopt;
- (II) Awareness of adoption issues such as talking to the child about his/her adopted status, identity issues with adoptees, grief and loss in adoption, openness, search;
- (III) Applicant's readiness to seek family counseling if needed;
- (IV) Philosophies on child rearing and discipline;
- (V) Attitudes and acceptance of adoption by other significant family members and friends;
- (VI) Location and description of physical residence, including type of community and school district available;
- (VII) If the family contains school age child(ren), reports from school personnel regarding school adjustment;

(VIII) Child care arrangements;

(IX) Description of children and adopted children's background factors the applicants can accept;

(X) Financial status and management;

(XI) For special needs adoption, awareness of the child's special needs and appropriate ways to meet those needs; and

(XII) For trans-racial or trans-cultural adoption, the applicant's awareness of and sensitivity to differences, how they plan to impact a positive identity and expose the child to his/her cultural/ethnic heritage;

D. Supplemental documentation shall include:

(I) A total of no less than four (4) reference letters; including but not limited to one (1), employment related reference per applicant (if applicable) from one (1) who has worked with the person within the last five (5) years, one (1) relative, and one (1) non-related personal reference;

(II) Child abuse and neglect background screening check Child Abuse and Neglect Central Registry Unit (CA/N CRU), no more than six (6) months old;

(III) Criminal arrest records from a state law enforcement agency, no more than six (6) months old;

(IV) Criminal conviction records including a fingerprint search, from a state law enforcement agency;

(V) Any findings on child abuse or criminal records shall be followed up by requesting a copy of the child abuse investigation report or the police report;

(VI) Written medical reports, no more than twelve (12) months old, on all adult members of the household;

(VII) Verifications of marriage(s) and divorces if applicable;

(VIII) Written documentation of income and financial resources, including a copy of the latest Federal Income Tax 1040 form verifying adjusted gross income;

(IX) Other family assessments and recommendations, if applicable; and

(X) Birth and death certificates; and

E. Impressions and recommendations.

(E) Adoptive family assessments shall be updated annually. An update shall also be completed if there is a significant change in the family situation (for example, job change, address change). It shall include:

1. One (1) or more interviews with all members of the family;

2. Medical reports on all household members biennially unless otherwise indicated;

3. Child abuse/neglect reports on all adults completed within the last thirty (30) days;

4. Arrest record check completed within the last thirty (30) days;

5. Evaluation of any previous placements; and

6. A summary of additional children to be adopted.

(5) Placement Services.

(A) Prepare child and family for adoption, including discussion of—

1. Understanding and acceptance of the child's background;

2. Separation from birth family;

3. Planning for continued contact, if applicable;

4. Meaning of and desire for adoption;

5. Placement with siblings, if planned;

6. Plans to encourage and preserve the child's ethnic and cultural identity;

7. The adoption process, transfer of custody, period of supervision, and finalization; and

8. Child's needs and any special concerns.

(B) A child placing agency shall document the reason(s) placing the child with the adoptive family is in the child's best interest.

(C) A child placing agency shall make reasonable efforts to place siblings together. When sibling placement is not a possibility the agency or adoption intermediary shall document—

1. Efforts made to place siblings together;

2. Reasons why such a resource/ placement is not possible/available.

3. Plan for contact with siblings or reasons for no contact.

(D) A child placing agency shall make reasonable efforts to place in an adoptive home of similar racial or cultural background in compliance with the Multi-Ethnic Placement Act (MEPA). When such placement is not a possibility the agency shall document—

1. Efforts made to locate such a home; and

2. Reasons why such a resource/ placement is not possible/available.

(E) A child placing agency shall enter a written agreement with the adoptive parents specifying the rights and responsibilities of each regarding the child during the supervision period.

(F) When more than one (1) child placing agency is involved in a placement, both agencies shall share information and develop a mutual written agreement on the services to be provided by each.

(G) A child placing agency shall provide the following information, to adoptive parent(s) while maintaining confidentiality as appropriate:

1. Written history of the child including developmental and medical history;

2. Reason(s) the birth parent(s) made an adoption plan;

3. A written synopsis of any professional evaluation and treatment recommendations for the child (for example, medical, educational, dental, psychological, psychiatric, etc.); and

4. Any resources, which may be available to the adoptive families, such as—

A. Missouri Adoption Subsidy Program (MASP);

B. Payment for nonrecurring adoption expenses only;

C. Missouri Adoption Tax Credit;

D. Supplemental Security Income;

E. Social Security benefits; and

F. Laws relating to health insurance.

(6) Post-Placement Services to Family.

(A) A child placing agency shall provide education, training and support to the family, to facilitate positive adjustment to the placement.

(B) A child placing agency shall maintain contact with the family during the supervision period.

1. For children thirty-six (36) months of age and under, the agency shall—

A. Conduct, at a minimum, quarterly home visits until the adoption is final;

B. Conduct monthly telephone contacts between home visits; and

C. Receive regular written reports from the child's pediatrician.

2. For children over thirty-six (36) months of age or children with special needs, the agency shall—

A. Conduct one (1) home visit within the first ten (10) days of placement, then, at a minimum, quarterly until the adoption is finalized;

B. Conduct monthly telephone contacts between home visits;

C. Receive regular written reports from the child's pediatrician;

D. If the child is in school, receive one (1) report from the school personnel regarding the child's progress every school quarter;

E. Interview the child privately to discuss the child's feelings about the adoption during each supervisory visit.

(C) Document in the child's record that all members of the adoptive family's household were interviewed during supervision.

(D) Document in the child's record that the following issues were discussed:

1. How the addition of this child into the family has changed marital and sibling relationships and how extended family and friends have reacted to the adoption;

2. What role each family member has assumed in child care;

3. How parents have coped with adjustments, additional responsibilities, discipline, physical, psychological, emotional and financial stresses;

4. How family is imparting knowledge of child's history, as age appropriate; and

5. The child's adjustment including health, school and family.

(E) Prior to finalization, the family will provide documentation to the child placing agency that provisions have been made to provide for the care of child in the event of the parents inability to provide care.

(7) Disruption of Placement.

(A) A child placing agency shall have and follow a written policy on procedures to be followed in the event of an adoptive placement disruption which shall include:

1. A thorough assessment of the reasons for the disruption;

2. Provision of counseling services to the adoptive family and child as needed; and

3. Provision for temporary care of the child until another permanent plan can be made.

(B) A child placing agency maintains responsibility for the health and welfare of a child. When it becomes necessary to remove a child from a placement the agency shall—

1. Take appropriate action to insure the child's health and well being;

2. Seek an appropriate adoptive resource for the child; and

3. Advise the appropriate court(s) of placement changes.

(C) The division shall be notified in writing within three (3) working days of all disruptions.

(8) International Placements.

(A) Families being considered for the placement of a child from a foreign country shall meet all criteria for families adopting a child born in Missouri as specified in 13 CSR 40-73.080(4).

(B) Families residing in states other than Missouri, but adopting children from a Missouri resource, must also complete a criminal record check and child abuse and neglect screening in their state of residence.

(C) In countries where foreign government authorization or licensure of orphanages, lawyers, or others working in the field of adoption is required, agencies shall enter into agreements and working relationships regarding an adoption with those who meet the requirements of the foreign government.

(D) In countries where an agency based in Missouri is required to obtain a license or other authorization from that country, a copy of said license or authorization shall be filed with the division.

(E) In the event that the adoptive placement ends in a disruption, the same procedure as stated in 13 CSR 40-73.080(7) shall be followed.

1. If the disruption occurs prior to the finalization of the adoption, the placing agency shall be responsible for the care and replacement of the child, as discussed in 13 CSR 40-73.080(7).

2. If the child placing agency is an agency located in a state other than Missouri, applicable provisions of the ICPC shall be followed.

3. If the child placing agency is a Missouri agency and the child is placed in a state other than Missouri and the adoption disrupts, applicable provisions of the ICPC shall be followed.

(F) Pre-Placement Planning.

1. A child placing agency evaluating the prospective adoptive parents shall include in their discussion with and evaluation of the adoptive family:

A. Discussion of the family's intent and ability to help the child maintain cultural/ethnic identity and familiarity with the country of origin;

B. Discussion of factors particular to child's country of origin (such as, medical, developmental concerns);

C. Community resources available to assist the prospective adoptive parents with the adjustment following the placement of the child; and

D. Coping with any language, cultural or other barriers that may affect the placement.

2. A child placing agency must evaluate the prospective adoptive parents for the placement of a child from a foreign country, including discussion about the child's acceptance within the immediate and extended family, and the community at large.

3. For international placement situations where the prospective adoptive parents must travel to the foreign country, assistance from the placing agency should include assisting or preparing the family for such travel, assistance with passport and visa, any immunizations, or health concerns and preparation for travel within the foreign culture.

4. A child placing agency shall obtain and document all available information about the birth parents.

(G) Post-Placement Services.

1. Post-placement services shall be provided in compliance with provisions of 13 CSR 40-73.080(6).

2. Attention shall be given to the child's acceptance within the extended family and the community at large.

3. Discussion shall focus on any differences in appearance of the child from the family and how those differences are being addressed and resolved.

4. Health concerns relative to the child's country of origin shall be noted and followed by a physician as needed and shall be discussed by the worker and the family.

5. Post-placement reports shall be completed and forwarded to the country of origin as required by that country.

6. A child placing agency shall offer information to the family regarding recognition of foreign decree, transfer of custody and adoption as needed.

7. Certified copies of the final decree of the adoption shall be kept in the case record and forwarded to the country of origin as needed. A translation of said decree shall be retained if applicable.

8. Families shall be encouraged to complete naturalization proceedings on their adopted child.

(9) A child placing agency that provides services for adoption must comply with all provisions of the licensing rules.

AUTHORITY sections 210.481-210.536, RSMo 1994 and 453.070.3 and 453.026.3, RSMo Supp. 1997. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997. Emergency amendment filed Jan. 15, 1998, effective Feb. 1, 1998, expired July 30, 1998. Amended: Filed Jan. 15, 1998, effective July 30, 1998.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Supplement 1997.*

13 CSR 40-73.090 Hearing and Judicial Review

(Rescinded July 30, 1997)

AUTHORITY sections 210.201-210.245, RSMo 1986. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997.